

City Clerk File No. Ord. 14.010

Agenda No. 3.A 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.010

TITLE: A Franchise Ordinance granting permission to Hudson Body Company, its successors and assigns, to make private improvements in the Allen Street public right of way adjacent to the property located at 415-435 Tonnele Avenue, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 4101, Lots 20 and 21.

WHEREAS, Hudson Body Company, having offices located at the Northeast Region, ABC Companies, 1494 Federal State St., Camden, New Jersey 08105, is the tenant of the property located at 415-435 Tonnele Avenue, Jersey Avenue, Jersey City, and known as Block 4101, Lots 20 and 21 on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, the Petitioner represented that the Property Owner, Hudson Improvement Company, Inc., consents to this Petitioner, and is a successor and/or assign under this Petition; and

WHEREAS, the Property is located within the HC - Highway Commercial District and applied for and was approved for a Preliminary and Final Major Site Plan Approval with variances to renovate and expand the existing commercial building used for auto service and auto body repair uses on the Property located at 415-435 Tonnele Avenue; and

WHEREAS, pursuant to a Resolution for the Preliminary and Final Site Plan Approval with "c" and "d" variances, Case #Z12-004, the Zoning Board of Adjustment granted approval ("Zoning Board Approval") to renovate and expand the commercial building and uses on the Property; and

WHEREAS, as part of the Zoning Board Approval, the renovation and expansion of the Property includes a provision that landscaping is installed and located within new fencing within a portion of the Allen Street public right-of-way, which is more particularly depicted and described in the metes and bounds description (Exhibit A); the Plan of Proposed Franchise Ordinance Area (Exhibit B); and the Proposed Improvements and Franchise Ordinance (Exhibit C); attached hereto; and

WHEREAS, the installation of the landscaping within the new fencing to be located within a portion of the Allen Street public right-of-way is the result of the recommendation of the Division of Planning staff and the Zoning Board of Adjustment for aesthetic purposes, and is set forth as a condition of approval in the Resolution attached hereto as Exhibit D; and

WHEREAS, Allen Street is a short right-of-way that is perpendicular to Tonnele Avenue and dead ends, and it is not generally used by the public with the exception of the use by the tenant/owner of the Property in connection with the existing uses at the Property; and

WHEREAS, the Petitioner is required to file the Petition for a Franchise Ordinance to make any private improvements within the public right-of-way; and

WHEREAS, the Petitioner will be installing a new sidewalk adjacent to the proposed fencing to provide for pedestrian use, and there will now be sufficient area in the right-of-way for pedestrian use and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, Hudson Body Company has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

WHEREAS, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Hudson Body Company to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The improvements will include the installation of landscaping located within new fencing that will be located within a portion of the Allen Street public right-of-way.
2. There will be sufficient area in the right-of-way for typical pedestrian use.

A Franchise Ordinance granting permission to Hudson Body Company, its successors and assigns, to make private improvements in the Allen Street public right of way adjacent to the property located at 415-435 Tonnele Avenue, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 4101, Lots 20 and 21.

3. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

WHEREAS, the Jersey City Zoning Officer and the Building Department can approve the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

WHEREAS, a franchise ordinance is required to permit the completion of the construction of the private improvements within the public right-of-way; and

WHEREAS, by reason of the character of the development of the area within which this property is situated, and the use of this right-of-way by the public, the said improvements will enhance the aesthetic and character of the Property, and greatly benefit Jersey City and the surrounding neighborhood; and

WHEREAS, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City, that:

SECTION I. Permission be, and is hereby granted to and Hudson Body Company, its successors and assigns (including the Property Owner), to complete private improvements to a portion of lands located within the public rights of way adjacent to 415-435 Tonnele Avenue, Jersey City, and known as Block 4101, Lots 20 and 21 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the metes and bounds description and Franchise Plan Exhibits attached hereto as Exhibits A, B, and C.

1. The improvements will include the installation of landscaping within new fencing that will be located within a portion of the Allen Street public right-of-way.
2. There will remain sufficient area in the right-of-way for typical pedestrian use.
3. The improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The improvements are necessary to construct the proposed development consistent with the development approvals and will greatly benefit the Petitioner's property and the surrounding neighborhood.

SECTION II. All the work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. Hudson Body Company, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

SECTION III. This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This Ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be canceled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioners one year prior to the date of cancellation.

SECTION IV. All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Hudson Body Company.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Hudson Body Company, its successors and assigns, hereby agree to assume full, complete and undivided responsibility for any and all injury or damage to persons or property by reason of said installation, maintenance and use, and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Hudson Body Company, its successors and assigns, shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to this Franchise Ordinance. The Petitioner, its successors and assigns, shall also maintain in effect, during the term of this franchise, liability insurance naming the Property Owner, its officers and employees as additional insured covering the use and occupancy of the public property subject to this franchise in the same amount of the liability insurance for the City of Jersey City.

A Franchise Ordinance granting permission to Hudson Body Company, its successors and assigns, to make private improvements in the Allen Street public right of way adjacent to the property located at 415-435 Tonnele Avenue, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 4101, Lots 20 and 21.

SECTION VI. This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION VII. An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

SECTION VIII. For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

SECTION IX.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified and incorporated in the official copies of the Jersey City Code.
- C. This Ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code, in order to avoid confusion and possible accidental repeals of existing provisions.

G:\V\PD\CC\STDEORD\14\Franchise Ordinance Correspondence\Utilition Body Company\City Ordinance.docx

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required ☐

Not Required ☐

PETITION

TO: THE HONORABLE, THE MAYOR AND MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY:

Your Petitioner, Hudson Body Company, having offices located 415-435 Tonnelle Avenue, Jersey City, New Jersey, respectfully says that:

1. Petitioner is the tenant of the property located at 415-435 Tonnelle Avenue, Jersey Avenue, Jersey City, and known as Block 4101, Lots 20 and 21 (formerly known as Block 971, Lots 5 and 41) on the current tax maps of the City of Jersey City (the "Property"). The Petitioner has the consent of the property owner, Hudson Improvement Company, Inc., to make this Petition. The Petitioner is proposing to rehabilitate and expand an existing one story commercial building on the Property.

2. The Zoning Board of Adjustment approved the renovation and expansion of the Property and its auto service and auto body use with the provision that landscaping located within new fencing will be installed within a portion of the Allen Street public right-of-way for aesthetic purposes.

3. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

- A. The contemplated improvements will include the installation of landscaping located within new fencing that will be located within a portion of Allen Street public right-of-way.
- B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

4. Petitioner will present the proposed improvements to the Jersey City Zoning Officer and Building Department, which can approve the proposed improvements conditioned upon the Petitioner, the Property Owner, its successors and assigns, being granted a franchise ordinance by the City Council of the City of Jersey City.

5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals, and will greatly benefit the Property, provide for aesthetic improvements and the surrounding area and neighborhood.

WHEREFORE, your Petitioner respectfully prays for itself, the property owner, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the public right-of-way of Allen Street, all as more particularly shown on the plans annexed hereto and made a part hereof.

By: _____

Of/fo Hudson Body Company
Charles J. Harrington, III, Esq.,
Attorney for the Petitioner



**DESCRIPTION OF
PROPOSED FRANCHISE ORDINANCE AREA
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY**

All the certain parcel of land, situate in the City of Jersey City, Hudson County, New Jersey, being more particularly described as follows:

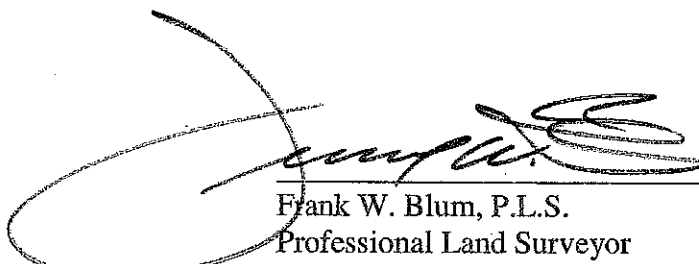
Beginning at the intersection of the westerly line of Tonnele Avenue (72.00' wide right of way), and the northerly line of Allen Street (60' wide right of way), and running, thence;

1. S 12° 34' 51" W, a distance of 67.41 feet along the westerly line of Tonnele Avenue to the southerly line of Allen Street, thence;
2. N 50° 17' 49" W, a distance of 126.40 feet along the southerly line of Allen Street to the southwesterly corner of Allen Street, thence;
3. N 27° 46' 41" E, a distance of 61.32 feet along the westerly line of Allen Street to the northwesterly corner of Allen Street, thence;
4. S 50° 17' 49" E, a distance of 108.34 feet along the northerly line of Allen Street to the point and place of beginning.

Containing 7,042 square feet or 0.161 acres.

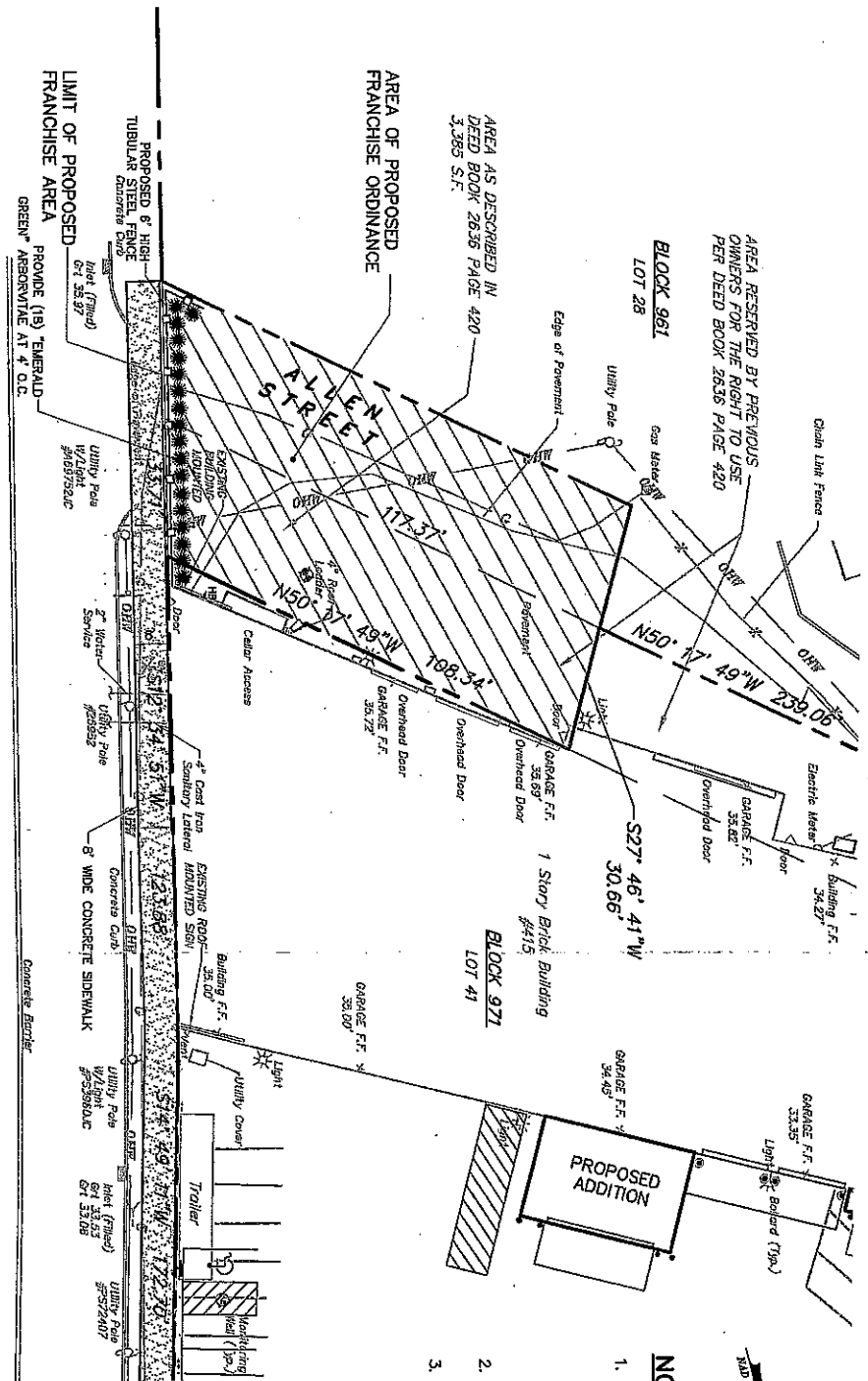
SUBJECT TO any recorded or unrecorded easements, restrictions and covenants.

Being intended to describe all that certain parcel of land as shown on a map entitled, "Plan of Proposed Franchise Ordinance Area, City of Jersey City, Hudson County, New Jersey", prepared by French and Parrello Associates, P.A., dated 10-23-2012.



Frank W. Blum, P.L.S.
Professional Land Surveyor
N.J. License No. 37937

TONNELE AVENUE AKA. ROUTE U.S. 1 & 9 (72' R.O.W. PER TAX MAP)



NOTES:

1. EXISTING BOUNDARY INFORMATION SHOWN HEREON TAKEN FROM A PLAN ENTITLED "SURVEY OF LOTS 5 & 41, BLOCK 971," PREPARED BY FRENCH & PARRELLO ASSOCIATES, P.A., DATED 1-04-2011. TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM A PLAN ENTITLED "TOPOGRAPHIC SURVEY OF LOTS 5 & 41, BLOCK 971," PREPARED BY FRENCH & PARRELLO ASSOCIATES, P.A., DATED 1-4-2011.
2. HORIZONTAL DATUM IS NAD 83 AND VERTICAL DATUM IS NAVD 88 BASED ON GPS OBSERVATIONS.
3. ANY UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND OBSERVATIONS. UTILITY MARKING FOUND IN THE FIELD AND/OR INFORMATION SUPPLIED BY THE UTILITY COMPANIES, SINCE NO PHYSICAL LOCATION OF THE UNDERGROUND FACILITIES HAVE BEEN MADE BY THE UNDERSIGNED. NO GUARANTEE IS BEING MADE FOR THEIR COMPLETENESS OR ACCURACY.

FRENCH & PARRELLO
ASSOCIATES, P.A., CONSULTING ENGINEERS

434 Newburgh Road, Suite 100 • Hackensack, NJ • 07640 908 850 0977

Denis F. Keenan, P.E.
DENIS F. KEENAN, P.E.
PROFESSIONAL ENGINEER NJ, LIC. NO. 46373

PROPOSED IMPROVEMENTS & FRANCHISE ORDINANCE EXHIBIT

FOR
HUDSON BODY COMPANY
BUILDING ADDITIONS
BLOCK 971, LOTS 5 & 41
CITY OF JERSEY CITY
HUDSON COUNTY, NEW JERSEY

DATE:	DESIGNED BY:	SCALE:	PROJECT NUMBER:
10-19-2012	SKW	AS NOTED	4490.003
DRAWN BY:	CHECKED BY:	FIELD BOOK	SHEET:
SKW	DPK		

EXHIBIT C of 1

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY**

APPLICANT: HUDSON BODY CO.

**FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH "C " and "D" VARIANCES
415-435 TONNELLE AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 4101, LOTS 20 AND 21
(f/k/a BLOCK 971, LOTS 5 AND 41)**

CASE NO.: Z12-004

WHEREAS, the Applicant, **HUDSON BODY CO., (the Applicant)**, per **Connell Foley, LLC**, (Charles J. Harrington, III, Esq., appearing) made application to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey for Preliminary and Final Major Site Plan with variances pursuant to N.J.S.A 40:55D-70(d) (expansion of a non-conforming use) and N.J.S.A 40:55D-70(c) (minimum perimeter setback; minimum number of parking spaces and stacked parking; maximum number of signs; maximum height from grade of freestanding signs; percentage of parking lot landscaping; and trees within the parking lot) and for waivers (signage above the roof line; and breaking up broad expanses of pavement with landscaping), to wit: Calendar No. Z12-004, for the purpose of building approximately a 4,148 sq. foot addition to the existing building (in phases), change the location of nonconforming rooftop signage, and reconfigure the parking area for a bus service station with both general and auto body service on the property located at 415-435 Tonnelles Avenue, Jersey City, New Jersey, and identified on the Jersey City Tax Maps as Block 4101, Lot 21 (f/k/a Block 971, Lots 5 and 41); and

WHEREAS, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on June 21, 2012 at 6:00 p.m., was duly published as prescribed in the Zoning Ordinance of the City of Jersey City; and

WHEREAS, the application was heard by the Jersey City Zoning Board of Adjustment on June 21, 2012; and

EXHIBIT D

WHEREAS, the Applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees and public notices; and

WHEREAS, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application; the expert testimony presented at the meeting on behalf of the Applicant, the testimony and written comments and recommendations of the Division of Planning professional staff; the Zoning Board of Adjustment has made the following findings of fact:

FINDINGS OF FACT

1. Hudson Body Co., filed an application with the Jersey City Zoning Board of Adjustment for Preliminary and Final Major Site Plan approval with a variance pursuant to N.J.S.A 40:55D-70(d) (expansion of non-conforming use) and N.J.S.A 40:55D-70(c) (minimum perimeter setback; minimum number of parking spaces and stacked parking; maximum height from grade of freestanding signs; percentage of parking lot landscaping; and trees within the parking lot) and for waivers (signage above the roof line; and breaking up broad expanses of pavement with landscaping), in connection with the proposed expansion of the existing building and the proposed expansion and continuance of the servicing of vehicles (buses), and for the expansion and continuance of the service and bus body repair uses at the property on the property located at 415-435 Tonnelle Avenue, Jersey City, New Jersey, and identified on the Jersey City Tax Maps as Block 4101, Lot 21 (f/k/a Block 971; Lots 5 and 41).

2. The property is located within HC – Highway Commercial District and is currently used as a bus service station and an auto body repair facility for buses from clients/buses that contract for such services (the facility is not open to the general public for buses to refuel). The property is unique in that it shares the lot with another user, which is also a bus related use, and the applicant is entitled to use only that portion of the larger site covered by its lease (see "lease line limit" shown on Site Plan).

3. Auto body repair is a pre-existing non-conforming use being conducted at the property that the Applicant is seeking to expand as part of this application, and therefore, a "d" variance to expand the non-conforming use is necessary.
4. The Applicant is seeking to expand the facility in two development Phases, which will result in additional services that will include general bus maintenance and repairs, parts sales, and auto body repair.
5. As part of the development, the Applicant is also proposing to make improvements to a portion of Allen Street (as depicted in the plans). The improvements will be permitted through the Applicant demonstrating that Allen Street was previously vacated (with at least half of it now owned by the property owner), or in the alternative, the Applicant will apply for a franchise agreement from the City of Jersey City to provide private improvements within the entire public right-of-way.
6. Phase I of the development will include all improvements at the site shown on the submitted plans as well as a build out of a portion of the proposed building addition. The exception will be a portion of the proposed building addition at the northeast side of the building, closest to Tonnelle Avenue, which will be built in Phase II. To compensate aesthetically for the fact that a portion of the proposed building addition will not be built as part of Phase I, the Applicant will refurbish the remaining north façade of the existing building (where that portion of the proposed addition would have been built) consistent with the proposed facade treatments that will be made as part of Phase II construction of the remainder of the addition.
7. The development in Phases will make the project financially feasible and is acceptable because the Applicant will be making substantial improvements to the building and site, beneficial to the area and the general public, as part of Phase 1 of the development.
8. As part of the application, the Applicant is also seeking relief with regard to the minimum perimeter setback; minimum number of parking spaces and stacked parking; maximum height from grade of freestanding signs; percentage of parking lot landscaping; and trees within the parking lot) and for waivers with regard to proposed signage above the roof line; and relief from the requirement to break up broad expanses of pavement with landscaping.

9. The Applicant is proposing to alter the existing structure and construct additions along selected areas of the building. The setback requirement of 30' creates a practical difficulty as the existing structure has no setback along Tonnele Avenue. The purposes of the Municipal Land Use Law ("MLUL") would be advanced by a variance from the zoning ordinance and the benefits of the deviation would substantially outweigh any detriment as a setback of zero creates a consistent building line, promoting a desirable visual environment along Tonnele Avenue.

10. The existing ordinance requires 41 parking stalls. The applicant presently has 15 striped stalls and is proposing 18 stalls. Due to the fact that the use is at least partially non-conforming, the parking stall requirement applicable to this site is higher than what is necessary for the use. Nine individuals are presently employed at the subject property, the applicant anticipates a maximum number of 15 employees for the expanded site, and the use does not serve the general public. Moreover, the constraints of the existing lease line along the need to leave sufficient space for bus movements leave no additional space for parking beyond what is proposed. Since the benefits of the proposed site improvements are substantial, the purposes of the MLUL would be advanced by a variance from the parking space requirement, and the benefits of the variance would substantially outweigh any detriment.

11. The existing lot does not have landscaping or shade trees within the parking lot, and none is proposed. In conjunction with the constraints of the existing lease line, requiring landscaping and/or shade trees within the parking lot area would result in difficulties to developing the site as the landscaping (and/or trees) would further limit the necessary bus movement and turning space. There would also be no public benefit from the landscaping because the parking lot portion of the property is screened from public view. In the alternative, the Applicant has proposed screen fencing and landscaping where Allen Street meets Tonnele Avenue that will buffer the south side of the building and bus repair operations from view by the motoring public.

12. The Applicant is proposing to move an existing, north-facing, freestanding rooftop sign from its existing roof top location to a new roof top location atop the proposed building addition. The height of the relocated rooftop sign in its new location will be 28.5' above

grade while a maximum of 18' above grade is permitted. The north-facing signage would not be visible to the motoring public were it to remain in its present location due to the building addition. Neither would it be visible were it required to be placed in a permitted location on the building because of the screened fencing at this end of the site. The proposed relocated position of the sign will allow those visiting the site to adequately identify the property and the benefits of allowing the sign height deviation will substantially outweigh any detriments.

13. A waiver is also being requested with regard to the location of proposed signage above the roofline. The Jersey City Land Development Ordinance provides that no sign shall project above the highest level of the wall or above the lowest part of the roofline. The existing sign is located on the roof and is proposed to be relocated to the new addition roof. Were the sign not placed completely above the roofline, the identification of the property would be impaired, and the waiver can be granted for the same reasons described above that justify the granting a variance for the height of the sign above grade.

14. An additional waiver is requested from providing landscaping to break up large expanses of pavement -- in this instance, the parking lot. The benefits of granting of this waiver (allowing adequate space for bus movements within a limited lease line area) substantially outweigh any detriments.

15. The variance for the expansion of the non-conforming use can be granted without substantial detriment to the public good. The expanded bus service facility use will continue to function as it does today without substantial negative effects on the surrounding properties or the general public.

16. The granting of the variance for the expansion of the non-conforming use will also not substantially impair the intent and the purpose of the zone plan and zoning ordinance. The purpose of the HC- Highway Commercial District is to promote the development of desirable highway commercial uses, improve the appearance of the streetscape, buffer adjacent neighborhoods and reinforce the area's function as a gateway to Jersey City. The proposed alterations and expansion to the existing bus service facility will improve the appearance of the existing structure, improve the appearance of the streetscape, and improve the area's function as a gateway to the city by visually buffering the use from view at Allen Street.

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for variances pursuant to N.J.S.A 40:55D-70(d) (expansion of a non-conforming use) and N.J.S.A 40:55D-70(c) (minimum perimeter setback; minimum number of parking spaces and stacked parking; maximum height from grade of freestanding signs; percentage of parking lot landscaping; and trees within the parking lot) and for waivers (signage above the roof line; and breaking up broad expanses of pavement with landscaping), to wit: Calendar No. Z12-004, for the purpose of building approximately a 4,148 sq. foot addition to the existing building (in phases), change the location of nonconforming rooftop signage, and reconfigure the parking area for a bus service station with both general and auto body service, on the property located at 415-435 Tonnelle Avenue, Jersey City, New Jersey, and identified on the Jersey City Tax Maps as Block 4101, Lot 21 (f/k/a Block 971, Lots 5 and 41) in accordance with the application presented to the Zoning Board of Adjustment of the City of Jersey City and in accordance with the submitted plans and testimony that are incorporated herein, subject to the following conditions:

1. A complete color/material Board shall be submitted to the Division of City Planning prior to application for construction permits, and all materials and color selections shall be shown on Final Plans. No change to the façade and site design, including materials as well as any changes that may be required by the Office of the Construction Code, shall be permitted without consultation with and approval by Planning Staff.
2. Applicant shall resolve the issue of whether or not Allen Street has been properly vacated prior to submitting final plans, and the final plans shall reflect the outcome. If the street has not been vacated, then the Applicant shall seek a franchise to allow improvements satisfactory to both the Applicant and Planning Staff for the entire street width. If the street has been vacated, then the Applicant shall revise the current plan to provide decorative fencing that wraps at least 10 feet along the south property line and provides a minimum 6 ft. high shrubbery screen behind the fencing. In any case, a hose connection to allow watering of landscaping shall be installed on the outside of the building at the beginning of Allen Street.
3. The Applicant shall provide revised plans to the Division of Planning clearly defining improvements to be made in Phase I and Phase II of the development. As part of that plan,

improvements must be shown to the portion of the existing north façade that will not be screened with new construction until Phase II. Improvements to the north façade shall not deviate substantially from those shown on the already approved plan, or further application to the Zoning Board of Adjustment may be required.

4. The Applicant shall provide documentation of paid in full water account to the Division of Planning prior to applying for construction permits.

APPLICANT: HUDSON BODY CO.

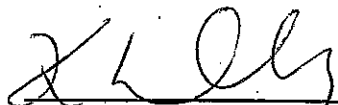
FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH "C" and "D" VARIANCES
415-435 TONNELLE AVENUE
JERSEY CITY, NEW JERSEY
BLOCK 4101, LOTS 20 AND 21
(f/k/a BLOCK 971, LOTS 5 AND 41)

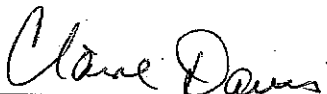
CASE NO.: Z12-004


VOTE: 6 - 0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
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Joseph Kealy, Chairman	X		
George Whelan, Commissioner	X		
Consuelo Evans, Commissioner	X		
Kathleen Donnelly, Commissioner	X		
Brian Loughlin, Commissioner	X		
Cleophus McIntosh, Commissioner	X		


JOSEPH KEALY, CHAIRMAN
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY


CLAIRE DAVIS, SECRETARY
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY


VINCENT LAPAGLIA, ESQ.
Approved as to Legal Form

DATE OF HEARING: June 21, 2012

DATE OF MEMORIALIZATION: July 19, 2012

City Clerk File No. Ord. 14.011

Agenda No. 3.B 1st Reading

Agenda No. 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.011

TITLE: AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A MONTH TO MONTH EXTENSION OF THE SUBLEASE WITH MOISHE'S SELF STORAGE, LLC AT 10 SENATE PLACE, JERSEY CITY FOR UP TO TWELVE MONTHS EFFECTIVE AS OF NOVEMBER 1, 2013

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, the City of Jersey City (City), Office of Emergency Management [OEM], needed storage space for emergency shelter equipment and other emergency supplies; and

WHEREAS, Ordinance 13-067, approved on June 19, 2013, authorized a one year sublease with Moishe's Self Storage, LLC [Moishe's], a lessee of warehouse space at 10 Senate Place, Jersey City, for 14,000 sq. ft. of storage space on the upper (SP 50) floor of the warehouse to the City for an annual rent of \$98,004 or \$8,167 monthly and for term effective as of November 1, 2012 and expiring on October 31, 2013 [Sublease]; and

WHEREAS, the City continues to need storage space for emergency shelter equipment and other emergency supplies used by the OEM and desires to enter into a month to month extension of the Sublease with Moishe's; and

WHEREAS, Senate Place Holdings, LLC, the owner of the warehouse at 10 Senate Place, consents to an extension of the Sublease on a month to month basis for up to twelve (12) months; and

WHEREAS, the Sublease term shall be extended month to month for up to twelve (12) months effective as of November 1, 2013 and terminate October 31, 2014, unless the City terminates the sublease earlier with a written 30 day notice to Moishe's; and

WHEREAS, the City will be required to pay rent of up to \$98,004 or \$8,166 monthly and Moishe's shall retain the security deposit of \$8,166.67 paid by the City under the Sublease; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance acquire property by lease; and

WHEREAS, funds in the amount of \$98,004 are available in Account No. 02-213-40-372-314.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Jersey City that:

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is hereby authorized to execute a month to month extension of its November 1, 2012 Sublease with Moishe's Self Storage, LLC for 14,000 sq. ft. of warehouse space on the upper (SP 50) floor of a warehouse building at 10 Senate Place, Jersey City.
2. The Sublease shall be month to month for up to twelve (12) months effective as of November 1, 2013. The Sublease shall terminate upon 30 days written notice of

termination from the City to Moishe's or October 31, 2014, whichever occurs first.

3. The total rent shall not exceed \$98,004 and shall be payable in up to twelve (12) equal installments of \$8,166 payable on the first day of each month.
4. Moishe's shall continue to hold and shall credit the City with its payment of the security deposit of \$8,166 under the Sublease.
5. Funds in the amount of \$98,004 are available in Account No. 02-213-40-372-314. The balance of the funds shall be made available in the 2014 Fiscal Year permanent budget.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This ordinance shall take effect in the manner as prescribed by law.
 - D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

I, _____, (Donna Mauer), Chief Financial Officer,
certify that funds in the amount of \$98,004.00 are available in Account No. 02-213-40-372-314.

NOTE:

All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

JM
1/23/14

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐

City Clerk File No. Ord. 14.012

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.012

TITLE: ORDINANCE AMENDING ORDINANCE 13-098 TO REFLECT A CHANGE IN THE ENTITY'S CERTIFICATE OF FORMATION RESULTING IN A CHANGE OF THE ENTITY'S NAME FROM GENESIS OCEAN URBAN RENEWAL CO., LLC TO GENESIS OCEAN ASSOCIATES, LLC, A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

WHEREAS, Genesis Ocean Associates, LLC (f/k/a Genesis Ocean Urban Renewal Co., LLC) [Entity], is the Contract Purchaser of certain property designated as Block 25804, Lots 23, 22, 21, 20, 19, 18 and 17, on City's Tax map and more commonly known by the street addresses of 441, 443, 445, 447, 449, 451-457 Ocean Avenue and 79-81 Dwight Street, respectively, in Jersey City, NJ [Property]; and

WHEREAS, on September 25, 2013, a tax exemption for 54 units of affordable housing to be constructed by the Entity was approved by the City by the adoption of Ordinance 13-098; and

WHEREAS, subsequent to the adoption of Ordinance 13-098, in order to qualify for financing, the New Jersey Housing Mortgage Finance Agency [NJHMFA] required the Entity to amend its Certificate of Formation to rescind its urban renewal entity status, which has the effect of changing the Entity's name from Genesis Ocean Urban Renewal Co., LLC to Genesis Ocean Associates, LLC; and

WHEREAS, on November 22, 2013, the Entity filed an amendment to its Certificate of Formation for removal from an urban renewal entity and to change the Entity's name to Genesis Ocean Associates, LLC; and

WHEREAS, this name change necessitates an amendment to the Financial Agreement with the City; and

WHEREAS, the terms of the exemption granted by the adoption of Ordinance 13-098 remain unchanged and Ordinance 13-098 remains in effect; and

WHEREAS, the only amendment is the change in formation and name of the Entity, so that the Financial Agreement is now between Genesis Ocean Associates, LLC, and the City of Jersey City.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

1. The tax exemption Financial Agreement approved by Ordinance 13-098 is hereby amended to change the name of the Entity to Genesis Ocean Associates, LLC.

ORDINANCE AMENDING ORDINANCE 13-098 TO REFLECT A CHANGE IN THE ENTITY'S CERTIFICATE OF FORMATION RESULTING IN A CHANGE OF THE ENTITY'S NAME FROM GENESIS OCEAN URBAN RENEWAL CO., LLC TO GENESIS OCEAN ASSOCIATES, LLC, A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.

2. The remaining provisions of the tax exemption approved by Ordinance 13-098 remain in effect.
3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
4. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
5. This ordinance shall take effect at the time and in the manner provided by law.
6. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted.
For purposes of advertising only, new matter is indicated
by **bold face** and repealed matter by *italic*.

DJ/he
1/23/14

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐
Not Required ☐



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

101 SOUTH BROAD STREET

PO Box 805

TRENTON, NJ 08625-0805

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

RICHARD E. CONSTABLE, III
Commissioner

DEPARTMENT OF COMMUNITY AFFAIRS


TO: State Treasurer
RE: GENESIS OCEAN ASSOCIATES, LLC
(formerly Genesis Ocean Urban Removal Co., LLC)
File # 1111
An Urban Renewal Entity

This is to certify that the attached CERTIFICATE OF AMENDMENT TO CERTIFICATE OF FORMATION FOR REMOVAL FROM AN URBAN RENEWAL ENTITY has been examined and approved by the Department of Community Affairs, pursuant to the power vested in it under the "Long Term Tax Exemption Law," P.L. 1991, c.431.

Done this 6th day of December 2013 at Trenton, New Jersey.

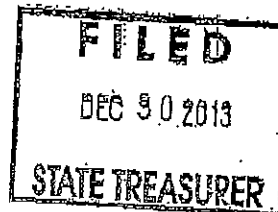
DEPARTMENT OF COMMUNITY AFFAIRS

BY


Edward M. Smith, Director
Division of Codes and Standards

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New Jersey Department of the Treasury
Division of Revenue
Certificate of Amendment
Limited Liability Company



1. Name of Limited Liability Company: Genesis Ocean Urban Removal Co., LLC
2. Date of Filing of the Original Certificate: May 26, 2011 0400420249
3. Article 1 of the Certificate of Formation, Limited Liability Company is hereby amended to read as follows:

The name of the Limited Liability Company is hereby changed to be:

Genesis Ocean Associates, LLC

4. The Limited Liability Company hereby relinquishes and terminates its status as an "urban renewal" entity under the New Jersey Long Term Tax Exemption Law.
5. The following provisions are hereby DELETED from the Certificate of Formation, Limited Liability Company and shall be of NO FURTHER FORCE AND EFFECT:

4. (i) The purpose for which the Limited Liability Company is formed shall be to operate under P.L. 1991, c.431 (C40A:20-1 et seq.) and to initiate and conduct projects for the redevelopment of a redevelopment area pursuant to a redevelopment plan, or projects necessary, useful, or convenient for the relocation of residents displaced or to be displaced by the redevelopment of all or part of one or more redevelopment areas, or low and moderate income housing projects, and, when authorized by financial agreement with the City of Jersey City (the "City"), to acquire, plan, develop, construct, alter, maintain or operate housing, senior citizen housing, business, industrial, commercial, administrative, community, health, recreational, educational or welfare projects, or any combination of two or more of these types of improvements in a single project, under such conditions as to use, ownership, management and control as regulated pursuant to P.L. 1991, c. 431 (C.40A:20-1 et seq.).

(ii) So long as the Company is obligated under financial agreement with the City made pursuant to P.L. 1991, c. 431 (C.40A:20-1 et seq.), it shall engage in no business other than the ownership, operation and management of the project.

(iii) The Company has been organized to serve a public purpose, its operations shall be directed toward: (1) the redevelopment or redevelopment areas, the facilitation of the relocation of residents displaced or to be displaced by redevelopment, or the conduct of low or moderate income housing projects; (2) the acquisition, management and operation of a project, redevelopment location housing project, or low and moderate income housing project under P.L. 1991, c. 431 (C.40A:20-1 et seq.); and (3) that the Company shall be subject to regulation by the City, and to a limitation on profits or dividends, as appropriate, for so long as the Company remains the owner of a project subject to P.L. 1991, c. 431 (C.40A:20-1 et seq.).

(iv) The Company shall not voluntarily transfer more than ten percent (10%) of the ownership of the project or any portion thereof undertaken by the Company under P.L. 1991, c. 431 (C.40A:20-1 et seq.) until it has first removed both itself and the project from all restrictions of P.L. 1991, c. 431 (C.40A:20-1 et seq.) in the manner required by P.L. 1991, c. 431 (C.40A:20-1 et seq.), and, if the project includes housing units, has obtained the consent of the Commissioner of Community Affairs to such transfer; with the exception of transfer to another urban renewal entity, as approved by the City, which other urban renewal entity shall assume all contractual obligations of the transferor entity under the financial agreement with the City. The Company shall file annually with the municipal governing body of the City a disclosure of the persons having an ownership interest in the project, and of the extent of the ownership interest of each. Nothing herein shall prohibit any transfer of the ownership interest in the Company itself, provided that the transfer, if greater than 10 percent, is disclosed to the municipal governing body of the City in the annual disclosure statement or in correspondence sent to the City in advance of the annual disclosure statement referred to above.

(v) The Company is subject to the provisions of Section 18 of P.L. 1991, c. 431 (C.40A:20-18), as amended, respecting the powers of the City to alleviate financial difficulties of the Company or to perform actions on behalf of the Company upon a determination of financial emergency.

(vi) Any housing units constructed or acquired by the Company shall be managed subject to the supervision of, and the rules adopted by, the Commissioner of Community Affairs.

[remainder of page intentionally left blank]

Unless expressly amended hereby, all provisions of the Certificate of Formation, Limited Liability Company remain unchanged and in full force and effect.

Signature:



Karim A. Hutson,
Managing Member

Dated: November 22, 2013

City Clerk File No. Ord. 14.013

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.013

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22 (PARKING PROHIBITED AT ALL TIMES) OF THE JERSEY CITY CODE REPEALING NO PARKING ANY TIME ON BOTH SIDES OF FLORENCE STREET FROM MONTGOMERY STREET TO CORNELISON AVENUE AND DESIGNATING NO PARKING ANY TIME ON THE SOUTH SIDE OF FLORENCE STREET EXTENSION BEGINNING AT MONTGOMERY STREET AND EXTENDING 225 FEET WEST AND DESIGNATING NO PARKING ANY TIME ON THE NORTH SIDE OF FLORENCE STREET EXTENSION BEGINNING AT MONTGOMERY STREET AND EXTENDING 290 FEET WEST

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article III (No Parking Any Time) of the Jersey City Code is hereby supplemented as follows:

Section 332-22 **PARKING PROHIBITED AT ALL TIMES**
No person shall park a vehicle on any of the streets or parts thereof described.

Name of Street	Side	Limits
[<i>Florence St</i>]	<i>Both</i>	<i>Montgomery St to Cornelison Av</i>]
<u>Florence St Ext</u>	<u>North</u>	<u>Montgomery St to a point 290 feet west</u>
	<u>South</u>	<u>Montgomery St to a point 225 feet west</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All new material to be inserted is underscored; all material to be repealed is in [*brackets*].

JDS:pcl
(01.23.14)

APPROVED: _____
Director of Traffic & Transportation

APPROVED: _____
Director,
Architecture, Engineering, Traffic and Transportation

APPROVED AS TO LEGAL FORM

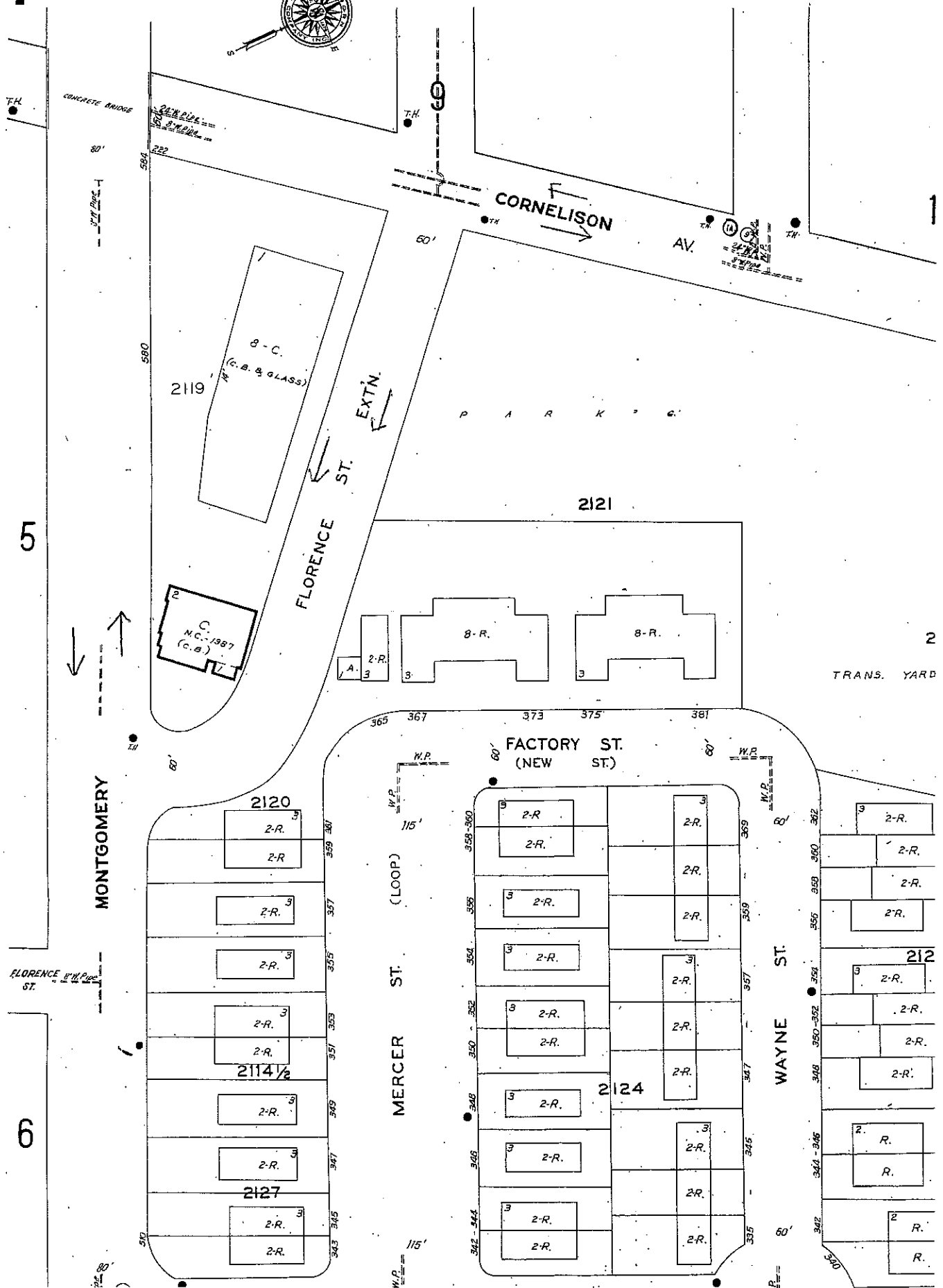
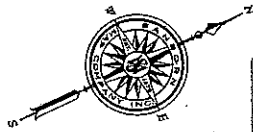
APPROVED: _____
Director, Dept. of Public Works
APPROVED: _____

Corporation Counsel

Business Administrator

Certification Required ☐

Not Required ☐



ORDINANCE FACT SHEET – NON-CONTRACTUAL

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

Full Title of Ordinance

An Ordinance supplementing Chapter 332(Vehicles and Traffic) Article III(Parking, Standing and Stopping) amending Section 332-22(Parking Prohibited At All Times) of the Jersey City Code repealing no parking any time on both sides of Florence Street from Montgomery Street to Cornelison Avenue and designating no parking any time on the south side of Florence Street Extension beginning at Montgomery Street and extending 225 feet west and designating no parking any time on the north side of Florence Street Extension beginning at Montgomery Street and extending 290 feet west

Initiator

Department/Division	Department of Public Works	Architecture, Engineering, Traffic and Transportation
Name/Title	Joao D'Souza at the request of Domenick Bauer on behalf of Mayor Pulop	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

Ordinance Purpose

Rescind the "no parking any time" prohibition on sections of both the north and south side of Florence Street, thereby increasing parking availability in the neighborhood.

I certify that all the facts presented herein are accurate.


Signature of Department Director

1-24-14
Date



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS

PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305
P: 201 547 4402 | F: 201 547 4803



MICHAEL E. RAZZOLI
DIRECTOR

MEMORANDUM

DATE: January 23, 2014

TO: Robert Byrne, City Clerk ✓
Councilman Boggiano, Ward C

FROM: Patricia Logan, Supervising Traffic Investigator
Division of Architecture, Engineering, Traffic and Transportation

SUBJECT: **PROPOSED ORDINANCE – FLORENCE STREET**
AMEND NO PARKING ANY TIME PROHIBITION

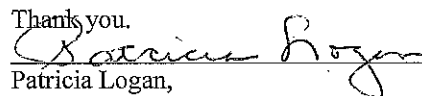
At the request of Domenick Bauer, on behalf of Mayor Fulop, an Ordinance has been proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

The proposed legislation repeals the “no parking any time” prohibition on both sides of Florence Street from Montgomery Street to Cornelison Avenue, and designates “no parking any time” on the south side of Florence Street Extension from Montgomery Street to a point 225 feet west and designates “no parking any time” on the north side of Florence Street Extension from Montgomery Street to a point 290 feet west. This ordinance has been proposed to increase parking availability on both sides of Florence Street Extension.

It is anticipated that this Ordinance will be on the Agenda for the January 29, 2014 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thank you.


Patricia Logan,
Supervising Traffic Investigator


Joao D'Souza,
Director of Traffic & Transportation

C: Stanley Huang, P.E., Municipal Engineer
Brian Weller, L.A.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation
Michael Razzoli, Director, DPW
Muhammed Akil, Chief of Staff
Domenick Bauer, Mayor's Office
Robert Kakoleski, Acting Business Administrator
Mary Spinello-Paretti, CEO, J.C.P.A.
Council President Lavarro, Jr.
Councilman Gajewski
Councilwoman Osborne

Councilwoman Watterman
Councilman Ramchal
Councilwoman Coleman

Councilman Rivera
Councilman Yun